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101ST CONGRESS
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SENATE

REPORT
101-539

INDIANA DUNES NATIONAL LAKESHORE ACCESS AND ENHANCEMENT ACT OF 1990

OCTOBER 18 (legislative day, OCTOBER 2), 1990.—Ordered to be printed

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Mr. JOHNSTON, from the Committee on Energy and Natural Resources, submitted the following

REPORT

[To accompany H.R. 3209]

The Committee on Energy and Natural Resources, to which was referred the Act (H.R. 3209), to modify the boundaries of the Indiana Dunes National Lakeshore, and for other purposes, having considered the same, reports favorably thereon with an amendment and recommends that the Act, as amended, do pass.

The amendment is as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Indiana Dunes National Lakeshore Access and Enhancement Act of 1990".

SEC. 2. DEFINITION OF NATIONAL LAKESHORE ENABLING ACT.

For the purposes of this Act, the term "the Act" means the Act entitled "An Act to provide for the establishment of the Indiana Dunes National Lakeshore, and for other purposes", approved November 5, 1966, Public Law 89-761, as amended, (16 U.S.C 460u et seq.).

SEC. 3. BOUNDARIES.

(a) IN GENERAL.—Section 1 of the Act (16 U.S.C. 460u) is amended by striking "October 1986, and numbered 626-80,033-B" and inserting in lieu thereof "October 1990 and numbered 626-80,038-C".

(b) CRESCENT DUNE.—Section 12 of the Act (16 U.S.C. 460u-12) is hereby repealed and the following new section is added in its place:

"SEC. 12. The Secretary shall acquire the area on the map referred to as area III-B only if such area can be acquired for not more than $5,000,000.".

SEC. 4. IMPROVED PROPERTY; RETENTION OF RIGHTS.

(a) ADDITIONAL AREAS.—The table in section 4 of the Act (16 U.S.C. 460u-3) is amended to read as follows:

S313-73

"Property Within Boundaries of Map:	*Construction Began Before*
Dated October 1990, No. 626-80,038-C	October 1, 1990
Dated October 1986, No. 626-80,033-B	February 1, 1986
Dated December 1980, No. 626-91014	January 1, 1981
Dated September 1976, No. 626-91007	February 1, 1973
Dated September 1966, No. LNPNE-1008-ID	January 4, 1965".

(b) RETENTION OF RIGHTS.—Section 5(a) of the Act (16 U.S.C. 460u-5(a)) is amended—

(1) in paragraph (2)(B), by striking "subparagraph (A)" and inserting in lieu thereof "subparagraph (A)(ii)"; and

(2) by adding at the end thereof the following new paragraph:

"(3)(A) In the case of improved property included within the boundaries of the lakeshore after October 1, 1990, that was not included within the boundaries before that date, an individual who is an owner of record of such property as of that date may retain a right of use and occupancy of such improved property for noncommercial residential purposes for a term ending at either of the following:

"(i) A fixed term not to extend beyond September 30, 2010, or such less fixed term as the owner may elect at the time of acquisition.

"(ii) A term ending at the death of the owner or the owner's spouse, whichever occurs last.

The owner or owners shall elect the term to be reserved.

"(B) Subparagraph (A)(ii) shall apply only to improved property owned by an individual who—

"(i) was an owner of record of the property as of October 1, 1990;

"(ii) had attained the age of majority as of that date; and

"(iii) made a bona fide written offer not later than October 1, 1997, to sell the property to the Secretary.".

SEC. 5. UNIT I-M.

The Act, as amended by section 4, is amended by adding at the end thereof the following new section:

"SEC. 25. (a) UNIT I-M.—Before acquiring lands or interests in land in Unit I-M (as designated on the map referred to in section 1 of this Act), the Secretary shall consult with the Commissioner of the Indiana Department of Transportation to determine what lands or interests in lands are required by the State of Indiana for improvements to State Road 49 and the reconstruction and relocation of the interchange with State Road 49 and U.S. 20 so that the acquisition by the Secretary of lands or interests in land in Unit I-M shall not interfere with planned improvements to the interchange and State Road 49 in the area.".

"(b) The Secretary may acquire lands or interests in lands within Unit I-M only with the consent of the owner, so long as the existing residential land use remains substantially unchanged."

SEC. 6. GREENBELT.

Section 18 of the Act (16 U.S.C. 460u-18) is amended—

(1) by inserting "(a) after "SEC. 18."; and

(2) by adding at the end thereof the following new subsection:

"(b)(1) If Northern Indiana Public Service Company (hereinafter in this section referred to as 'NIPSCO') is agreeable, the Secretary shall enter into a memorandum of agreement with NIPSCO that shall provide for the following with respect to Unit II-A (as designated on the map referred to in section 1 of this Act and hereinafter in this section referred to as the 'Greenbelt'):

"(A) NIPSCO shall provide the National Park Service with access for resource management and interpretation through the Greenbelt and across the dike for purposes of a public hiking trail.

"(B) The National Park Service shall have rights of access for resource management and interpretation of the Greenbelt area.

"(C) NIPSCO shall preserve the Greenbelt in its natural state. If NIPSCO utilizes the Greenbelt temporarily for a project involving pollution mitigation or construction on its adjacent facilities, NIPSCO shall restore the project area to its natural state.

"(D) If NIPSCO proposes a different use for the Greenbelt, NIPSCO shall notify the National Park Service, the Committee on Energy and Natural Resources of the United States Senate and the Committee on Interior and

Insular Affairs of the United States House of Representatives and make no change in the use of the property until 3 years after the date such notice is given.

"(2) If a memorandum of agreement is entered into pursuant to paragraph (1), so long as such memorandum is in effect and the terms of such memorandum are being complied with, the Secretary may not acquire lands or interests in land in the Greenbelt belonging to NIPSCO.".

SEC. 7. VISITOR CENTER.

In order to commemorate the vision, dedication, and work of Dorothy Buell in saving the Indiana Dunes, the National Park Service visitor center at the Indiana Dunes National Lakeshore is designated as the "Dorothy Buell Memorial Visitor Center".

SEC. 8. AUTHORIZATION OF APPROPRIATIONS.

Section 9 of the Act (16 U.S.C. 469u–9) is amended by adding at the end thereof the following new paragraph:

"In addition to any other sums authorized for the acquisition of lands and interests in lands, there are further authorized to be appropriated an additional $7,000,000 to be used for such purposes."

Purpose of the Measure

The purposes of H.R. 3209, as ordered reported, are to enlarge the boundaries of the Indiana Dunes National Lakeshore in northern Indiana, by adding approximately 425 acres, and to increase the land acquisition ceiling by $7 million.

Background and Need

Indiana Dunes National Lakeshore was authorized as a unit of the National Park System in 1966 and formally established in 1972. The lakeshore contains approximately 12,900 acres, including about 15 miles of shoreline along the southern portion of Lake Michigan. In addition to the sand dunes and beaches, the lakeshore contains marshes, bogs, woodlands and prairie vegetation. More than 1,000 different species of flowering plants and ferns have been identified within the park as well as over 300 different species of birds.

The lakeshore stretches along approximately 25 miles through northern Indiana, through one of the most industrial areas of the country. A sliver of the lakeshore extends into the heart of Gary, Indiana. In addition, the park is bordered by three steel mills, the Port of Indiana, and a powerplant. The lakeshore also surrounds the 2,182 acre Indiana Dunes State Park.

Besides sharing the southern shores of Lake Michigan with industry, the lakeshore is surrounded by large residential areas. The park is located only 35 miles from Chicago, and is bordered on either end by the cities of Gary and Michigan City. In addition, the park completely encloses the communities of Ogden Dunes, Porter Beach, and Beverly Shores.

Since the lakeshore was established in 1966, Congress has expanded the park boundaries in 1976, 1980, and 1986.

Legislative History

H.R. 3209, introduced by Congressman Visclosky, passed the House of Representatives on May 1, 1990. The Senate companion bill, S. 2882, was introduced by Senators Coats and Lugar on July 20, 1990. The Subcommittee on Public Lands, National Parks and

Forests held a hearing on both H.R. 3209 and S. 2882 on September 27, 1990.

At the business meeting on October 11, 1990, the Senate Committee on Energy and Natural Resources ordered H.R. 3209, as amended, favorably reported.

Committee Recommendations and Tabulation of Votes

The Senate Committee on Energy and Natural Resources, in open business session on October 11, 1990, by a unanimous vote of a quorum present, recommends that the Senate pass H.R. 3209, if amended as described herein.

The roll call vote on reporting the measure was 18 yeas, 0 nays, as follows:

YEAS	NAYS
Mr. Johnston	
Mr. Bumpers	
Mr. Ford	
Mr. Bradley*	
Mr. Bingaman*	
Mr. Wirth	
Mr. Conrad	
Mr. Heflin*	
Mr. Rockefeller*	
Mr. Akaka	
Mr. McClure	
Mr. Domenici*	
Mr. Wallop	
Mr. Murkowski	
Mr. Nickles*	
Mr. Burns	
Mr. Garn*	
Mr. McConnell	

*Indicates voted by proxy.

Committee Amendment

During the consideration of H.R. 3209, the Committee adopted an amendment in the nature of a substitute. The amendment designates seven areas, comprising approximately 425 acres, for addition to the lakeshore, designates, the park's visitor center as the "Dorothy Buell Memorial Visitor Center," and increases the appropriation ceiling for land acquisition purposes by $7 million.

As ordered reported, H.R. 3209 adds the following areas to the lakeshore (as designated on the official map): the 37-acre "Crescent Dune" parcel (III-B), provided that the area can be acquired for not more than $5 million; the 80-acre "Beverly Shores wetlands" (III-G), the 22-acre "Gary Lands" parcel (I-J), the 150-acre "Woodlake Dune Savannah" (I-H), the 33-acre "Route 49 Corridor" (I-M); the 13-acre "Ogden Dune" parcel (I-L); and the 90-acre "NIPSCO Greenbelt" (II-A). The combined acreage of the parcels added by the amendment is approximately 425 acres. H.R. 3209, as passed by the House of Representatives, would have added 14 areas totaling nearly 3,200 acres.

As passed by the House of Representatives, H.R. 3209 added the 12-mile Little Calumet River Corridor and the 10-mile Salt Creek Corridor to the lakeshore boundary. The combined acreage of these two corridors was approximately 2,200 acres. The Secretary of the Interior would be directed to study the two corridors and to determine which lands and water should be acquired. The House-passed bill also required the Secretary to conduct a study of the Deep River corridor, although that corridor was not included within the lakeshore boundary. The amendment adopted by the Committee deletes the addition of the river corridors and also deletes the corridor studies.

The House-passed bill also would have authorized the Secretary to enter into a cooperative agreement with the city of Gary, Indiana, to allow the Secretary to provide technical assistance in interpretation, planning and resource management for the city of Gary's Marquette Park and Lake Street Beach. The amendment deletes this provision.

The amendment is described in detail in the section-by-section analysis below.

Section-by-Section Analysis

Section 1 entitles the Act the "Indiana Dunes National Lakeshore Access and Enhancement Act of 1990.".

Section 2 defines the term "Act" to mean the 1966 Indiana Dunes enabling legislation, as amended.

Section 3 modifies the boundaries of the lakeshore to add approximately 425 acres to the park.

Subsection (b) authorizes the acquisition of the 37 acre Crescent Dunes parcel only if the parcel can be acquired for not more than $5 million. The parcel is currently included within the lakeshore boundary, but under the terms of the 1976 law which added it to the park, the Secretary was required to acquire the property no later than 1978 and for no more than $800,000. Since the parcel was not acquired during that period, the Crescent Dunes parcel has remained within the lakeshore boundary, but the Park Service has lacked any acquisition authority. This subsection repeals the 1978 time limitation and increases the acquisition ceiling to $5 million.

Section 4 deals with improved properties included in the lakeshore pursuant to this Act. Subsection (a) updates the table printed in section 4 of the enabling legislation which lists the dates various properties were included in the lakeshore pursuant to the 1966 Act and the 1976, 1980, 1986, and 1990 amendments, and the respective dates construction of the dwelling must have begun for the site to be considered as "improved property."

Subsection (b) allows the owner of an improved property included within the lakeshore after October 1, 1990, to elect either a life estate or a reservation of use and occupancy permit not to exceed September 30, 2010, provided the individual was the owner of record of the property as of October 1, 1990. In order to elect a life estate, the individual must be the owner of record as of October 1, 1990, must have attained the age of majority as of that date, and must make a bona fide written offer to sell the property to the Secretary no later than October 1, 1997.

As introduced, both H.R. 3209 and S. 2882 would have extended the terms of certain existing reservation of use and occupancy permits. The House passed-version of H.R. 3209 deleted this provision, as does the amendment adopted by the Committee.

Section 5 involves the addition of the "State Route 49" parcel. The section provides that the Secretary is to consult with the Commissioner of the Indiana Department of Transportation to determine what lands or interests therein are required by the State for improvements to State Road 49 and U.S. 20 so that Federal acquisition will not interfere with planned improvements to the road in the area. The Secretary is authorized to acquire lands or interest therein within the parcel only with the consent of the owner, so long as the existing residential land use remains essentially unchanged.

Section 6 pertains to the "NIPSCO Greenbelt." This 92 acre tract is owned by the Northern Indiana Public Service Company ("NIPSCO"). The section authorizes the Secretary to enter into a memorandum of agreement (MOA) with NIPSCO to provide for the protection of the Greenbelt and providing the Park Service with access through the Greenbelt for interpretive and resource management purposes. The Secretary is prohibited from acquiring the Greenbelt so long as the MOA remains in effect and NIPSCO is in compliance with its terms.

Section 7 designates the park visitor center as the "Dorothy Buell Memorial Visitor Center."

Section 8 provides that an additional $7 million are authorized to be appropriated for land acquisition purposes.

Cost and Budgetary Considerations

The following estimate of the cost of this measure has been provided by the Congressional Budget Office:

U.S. Congress,
Congressional Budget Office,
Washington, DC, October 18, 1990.

Hon. J. Bennett Johnston, Jr.,
Chariman, Committee on Energy and Natural Resources,
U.S. Senate, Washington, DC.

Dear Mr. Chairman: The Congressional Budget Office has reviewed H.R. 3209, the Indiana Dunes National Lakeshore Access and Enhancement Act of 1990, as ordered reported by the Senate Committee on Energy and Natural Resources on October 16, 1990. Assuming appropriation of the necessary sums, CBO estimates that the National Park Service (NPS) would spend about $2 million over fiscal years 1991 and 1992 to acquire about 300 acres of land at the lakeshore. While up to $5 million more would be authorized under the bill for further acquisition. CBO does not expect that these funds would be spent.

H.R. 3209 would expand the boundaries of the Indiana Dunes National Lakeshore to include six new areas totalling about 390 acres. The NPS would be authorized to acquire land within the expanded boundaries, including one 37-acre inholding for which ac-

quisition authority has expired. Section 8 of the bill would authorize the appropriation of $7 million for land acquisition purposes.

The bill would impose certain constraints on the acquisition of some areas, particularly with respect to lands owned by the Northern Indiana Public Service Company (NIPSCO). Under subsection 3(b) of the bill, the NPS could acquire the company's 37-acre Crescent Dunes property only if the cost would not exceed $5 million. Under the provisions of Section 6, the 90-acre Greenbelt tract would be administered under a memorandum of agreement with NIPSCO and could be acquired only if the company failed to enter into or comply with such an agreement.

Based on information provided by the NPS and assuming appropriation of the necessary funds. CBO estimates that the agency would spend about $2 million over the next two years to purchase about 300 acres in the new park areas. This estimate is based on the assumption that appropriations are made available soon after enactment and that all sellers are willing to sell at the prices estimated by the agency. If acquisition is delayed, costs would be higher because of the continuing appreciation of land values in the Dunes area.

Similarly, if any landowners are unwilling to accept the agency's appraisals, acquisition costs would be determined by the courts and probably would be considerably greater. Federal expenditures to develop and manage the lands acquired (including payments made to local governments in lieu of taxes) are not expected to be significant.

Because of the acquisition constraints imposed on the NIPSCO lands, CBO considers it unlikely that either of the properties would be purchased by the federal government. Acquisition of the 90-acre Greenbelt parcel would probably be unnecessary because the land has very limited development potential and probably could be preserved in its present state under a memorandum of understanding with the company. In contrast, Crescent Dunes is the subject of a pending multiuse development project and probably could not be purchased for the $5 million authorized by subsection 3(b).

Based on the assumptions described in the preceding paragraphs, CBO does not expect the enactment of H.R. 3209 to have any significant impact on state or local governments. However, if the Crescent Dunes property were to be acquired by the NPS, Michigan City and other local taxing jurisdictions would lose any increase in revenues that would have been realized if the property were developed.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Deborah Reis, who can be reached at 226–2860.

Sincerely,

ROBERT D. REISCHAUER,
Director.

REGULATORY IMPACT EVALUATION

In compliance with paragraph 11(b) of Rule XXVI of the Standing Rules of the Senate, the Committee makes the following evaluation of the regulatory impact which would be incurred in carry-

ing out H.R. 3209. The Act is not a regulatory measure in the sense of imposing Government-established standards or significant economic responsibilities on private individuals and businesses.

No personal information would be collected in administering the program. Therefore, there would be no impact on personal privacy.

Little, if any, additional paperwork would result from the enactment of H.R. 3209, as reported.

Executive Communications

On September 12, 1990, the Committee on Energy and Natural Resources requested legislative reports from the Department of the Interior and the Office of Management and Budget setting forth executive views on H.R. 3209. These reports had not been received at the time the report on H.R. 3209 was filed. When the reports beocme available, the Chairman will request that they be printed in the Congressional Record for the advice of the Senate. The testimony provided by the National Park Service at the Subcommittee hearing follows:

Statement of James M. Ridenour, Director, National Park Service, Department of the Interior

Mr. Chairman, I am pleased to appear before the Subcommittee this morning to present the Administration's views on S. 2882, a bill to modify the boundaries of the Indiana Dunes National Lakeshore and for other purposes.

Mr. Chairman, we support enactment of S. 2882, if amended as we suggest.

S. 2882 follows closely on the heels of H.R. 3209, a similar measure recently passed by the House of Representatives and one which we opposed in testimony in November 1989. We believe S. 2882 is the more preferable bill. As passed by the House of Representatives, H.R. 3209 would include within the revised boundaries of the lakeshore nearly 3,200 acres, including the highly controversial additions within the Little Calumet River and Salt Creek corridors as well as the Furnessville additions along U.S. 20, which are not included in S. 2882. S. 2882, on the other hand, would add less than 1,300 acres. Included within both bills are differing provisions for acquisition of certain private property interests. Under the provisions of S. 2882 landowners along State Route 49 near the entrance to the Indiana Dunes State Park would not be subject to condemnation so long as their property remains in residential use. H.R. 3209 makes no special provision for these landowners.

Even though we prefer S. 2882 over the House-passed version, we also believe that certain provisions of S. 2882 are unwarranted and in some cases threatening to the very purposes for which this park was first established and subsequently modified. Therefore, we recommend that S. 2882 be amended as we suggest below.

S. 2882 subsection 3(a), if enacted, would substitute a revised boundary map for the park and thereby include within the boundaries several parcels totaling approxi-

mately 1,280 acres not previously included. Appended to this statement you will find our evaluation of the individual parcels that would be added to the existing lakeshore under the provisions of S. 2882. We support many of the proposed additions that add areas of outstanding natural resource value, including many wetland additions that further the President's policy of "no net loss of wetlands." We also strongly support the inclusion of new areas that provide improved access to and add lands suitable for increased recreational opportunities in this heavily used urban recreation area.

Subsection 3(b) would repeal that provision of existing law which prohibits the Secretary from acquiring by any means unit III-B (Crescent Dune) if it had not been acquired within 2 years of enactment of that section. A recent U.S. Court of Appeals decision upheld this provision, which has heretofore prohibited the National Park Service from acquiring this parcel which Congress included in the park in 1976. We support the removal of this restriction on the acquisition of Crescent Dune for the very reasons the unit was included within the lakeshore in 1976.

Section 4 would require the Secretary to complete a study, in cooperation with private and public interest groups, of the Little Calumet River and Salt Creek Corridors. The study would include an inventory of the corridors' values, an analysis of existing and future threats to the corridors and efforts to counter them, an evaluation of public access for recreational purposes, alternate private, State and local means for protecting these values and uses, and recommendations for actions that could be taken to enhance their protection. Participation in the study by these groups would include commenting on the scope of the study through and including a review and written comments on the draft document within 6 months following its completion. Section 4 would further require that not later than 12 months after it is completed, the study, along with a summary of written responses and recommendations for further action to ensure full protection of the significant resources of the corridors, shall be forwarded to the appropriate Committees of Congress; and that following submission of the report to Congress, the Service shall continue to actively monitor actions taken by landowners and interested public and private parties and make periodic reports to Congress on the extent to which the study recommendations are being implemented. Finally, section 4 would require that upon request the Service would be required to provide technical and coordination assistance to parties both public and private who wish to implement the study recommendations.

During consideration of expansion legislation in both the 92nd and 93rd Congresses the National Park Service prepared an evaluation report on proposed additions to the Indiana Dunes National Lakeshore; this included additions

along both the Salt Creek and Little Calumet River corridors similar, but not identical to those being proposed for study under S. 2882. The report found that the Little Calumet River was an integral part of the Indiana Dunes complex, that both streams offered a variety of recreational opportunities, and that it was necessary to preserve the natural streambanks, wetlands and floodplains of the corridors. The report concluded that management of the area should be at the local level, perhaps through creation of a local conservancy district and/or through State acquisition of fishing easements. Although the report was not a comprehensive study and conditions have changed in the intervening years, we still generally endorse these earlier conclusions.

While we do not believe at this time that the National Park Service should necessarily play a role in the management of the corridors, we do believe that we can play a role in providing assistance to State and local jurisdictions and the Northwestern Indiana Regional Planning Commission (NIRPC) by participating in a new and more comprehensive study of the corridors called for in S. 2882. To do so would be an extension of our existing Rivers and Trails Conservation Assistance Programs. Planners from our Midwest Regional office have already met with a special task force of NIRPC which is studying this issue. Our involvement in offering assistance through the study mechanism proposed by S. 2882 would also enhance the prospects for wetlands preservation in the corridors in keeping with the President's policy of "no net loss."

The provisions of S. 2882 strongly endorse local and State emphasis in river corridor preservation and are, therefore, an improvement over the provisions of H.R. 3209, which tended to give more emphasis to possible Federal acquisition and management. Because the provisions of S. 2882 are generally consistent with previous National Park Service policy in the area and because of the strong emphasis on local and State involvement with resulting savings in Federal acquisition and management costs, we support these provisions of S. 2882 relating to the Salt Creek and Little Calumet River corridors.

Section 5 requires the submission of a report within 180 days of enactment ot the House Committee on Interior and Insular Affairs and the Senate Committee on Energy and Natural Resources on road rights-of-way within the boundaries of the lakeshore that are proposed to be relinquished by local governments. Subsection 5(b) would authorize the Secretary to reimburse local governments for reasonable administrative costs associated with relinquishing a road right-of-way within the boundaries of the lakeshore. The rights-of-way that are of interest here are largely unused and all but legally abandoned yet remain on local rolls in order that local government might continue to receive road maintenance funds for them. Section 5 appears to us to be a sound approach to identifying those rights-of-way

that are of interest to the National Park Service and yet by implication requires their acquisition by donation only. This latter provision is entirely consistent with existing public policy regarding the acquisition of publicly owned real property. We strongly endorse this provision of S. 2882.

Section 6 calls for a study of the Deep Creek Corridor, similar to that which is called for in section 4 for Salt Creek and the Little Calumet River Corridors. We do not object to the provisions of this section.

Under the provisions of subsection 7 (a) and (b), reservations of use and occupancy would be offered to owners of improved noncommercial residential property included in the park pursuant to enactment of S. 2882 for a fixed term not to extend beyond September 30, 2010, or life. We concur in this provision, because it extends to those homeowners newly included within the boundary privileges that others already within the boundary currently enjoy.

However, subsection 7(c), Extension of Leases, is totally unacceptable to us, Mr. Chairman. Subsection 7(c) would authorize the Secretary to renegotiate the terms of existing valid reservations of use and occupancy of those who enjoy such reservations on the date of enactment of this subsection. It would permit the purchase of additional years of occupancy of not more than 29 years from the commencement date of the existing right, not to extend beyond September 30, 2010. The amount of annual lease payment would be the amount discounted from the purchase price under the terms of the original sale, adjusted annually by a general index commensurate with the escalation of property values within the lakeshore since the original sale.

We oppose the provisions of subsection 7(c) for the following reasons:

1. The purposes for which these reservations were originally granted will have long since been realized at their original termination date. Extending these reservations would grant special treatment to a very select group of people, some of whom are not even the original owners. Those who claim an extension as their right are incorrect. The extension would be a privilege—a special privilege afforded no other citizen or taxpayer.

2. In some cases these reservations have been sold to the current holders, and there is nothing in subsection 7(c) to prevent future sales at significantly increased prices. This "windfall" will have been realized under the guise of allowing residents to remain on property on which they have resided for many years.

3. In some cases reservations of use and occupancy have become a profitable business commodity, and this bill would serve to enhance that situation by creating additional years of reservations to be sold or leased. Clearly this was never the intention of granting these

reservations in the first place, and we object to either a continuation or extension of this practice under S. 2882.

4. In some cases, an extension of reservation of use and occupancy will mean further delay in returning these properties to their natural condition prior to having been disturbed. In many cases this was the very reason the Government acquired these interests in the first place. In other cases, extended reservations of use and occupancy will further delay much needed development or access to resources such as beaches for which the lakeshore was established.

Mr. Chairman, it is undeniable that there have been differences in the manner in which the law treats property owners because of the many changes in the law that Congress has enacted at Indiana Dunes National Lakeshore. However, all owners have been treated fairly under the law that applied to them.

Of far greater importance, Mr. Chairman, is the precedential nature of the provisions of subsection 7(c). Holders of reservations of use and occupancy at Indiana Dunes are but a fraction of the approximately 1,600 holders throughout the National Park System, many of whom would undoubtedly jump at the chance to extend their privileges. The National Park Service would come under increasing pressure to sell additional reservations where now an orderly process exists to remove residential properties that in the long term are not compatible with park purposes. We urge the Committee to reject subsection 7(c).

Section 8 of S. 2882 authorizes the Secretary to enter into a cooperative agreement with the city of Gary, Indiana, for the purpose of providing technical assistance in connection with Gary's Marquette Park and Lake Street Beach. The National Park Service already enjoys sufficient authority to work with the city of Gary for the purpose of providing technical assistance. We would oppose inclusion of this language as suggesting that without it we lack such authority.

Section 9 would require the Secretary to consult with the Indiana Department of Transportation to determine what lands would be required to make certain road improvements within and adjacent to Units I–M (State Road 49) and VII–D (Calumet Prairie) so as to not interfere with those planned improvements. Improved residential properties in Unit I–M as of July 1, 1990, could only be acquired by the Secretary with the consent of the owner.

Section 10, entitled "Greenbelt," would require the National Park Service to enter into a cooperative agreement with the owner of the property described as Unit II–A, the NIPSCO Greenbelt, if the owner, the Northern Indiana Public Service Company, is agreeable. The agreement would provide the Service access to the greenbelt area for the purposes of interpretation, recreation and resource management while requiring NIPSCO to preserve the area

in its natural state. Any significant change in the use of this property by NIPSCO must be preceded by a 3 year advance notice. The Secretary may not acquire this property in fee or less than fee so long as the agreement is in force and effect. We support this language as being in the long term interests of the park while preserving for the owner a use that he has stated is essential to the operation of the utility.

Section 11 would designate the lakeshore visitor center as the "Dorothy Buell Memorial Visitor Center." We have already dedicated a portion of the visitor center in Ms. Buell's memory out of respect for her untiring efforts to save the Indiana Dunes National Lakeshore. We would not object to the enactment of this provision of S. 2882.

Section 12 provides for the authorization of appropriations necessary to carry out this act. We cannot at this time provide an estimate of the cost of lands proposed for addition to the lakeshore under the provisions of S. 2882.

In addition, any future land acquisition would be subject to the budgetary constraints and the Administration's land acquisition priority systems.

Mr. Chairman, this concludes my prepared remarks on S. 2882. I would be pleased to respond to your questions at this time.

APPENDIX

National Park Service Recommendations

Proposed Additions to the Indiana Dunes National Lakeshore S. 2882

1. UNIT I–H: INLAND MANOR/WOODLAKE DUNE (APPROXIMATELY 200 ACRES)

The western portion is a developed residential community of approximately 90 homes. The area's high water table has contributed to sanitation problems associated with poor drainage. The area is not suitable for lakeshore development purposes for this same reason. Its acquisition would be, in our view, a substitute for aid to a depressed community. The National Park Service is opposed to its inclusion within the lakeshore. Acquisition costs are estimated at $4,500,000.

The eastern portion of the unit, known as Woodlake Dune, is a high quality natural area containing a mixture of wooded stabilized dunes, open savanna, and extensive wetlands of considerable resource value. These approximately 155 acres, bounded by 5th Avenue, U.S. Highway 12, the Lake/Porter County Line, and the community of Inland Manor, are of significant quality and would constitute a worthy addition to the lakeshore at an estimated cost of approximately $500,000.

2. UNIT I–J: GARY LANDS (APPROXIMATELY 22 ACRES)

This unit is contiguous with the lakeshore immediately northwest of the entrance to the heavily visited West Beach unit. These lands are currently vacant but slated for multi-family residential development. They lie adjacent to the Long Lake Wetlands complex. Acquisition would serve both to enhance road and trail access to West Beach as well as protect the values of the existing lakeshore setting. Acquisition costs are estimated to approximate $334,000.

3. UNIT II–A: NIPSCO GREENBELT (APPROXIMATELY 90 ACRES)

This unit is comprised of some of the most extensive and valuable wetlands in the lakeshore area. It also includes wooded dunes and an upland strip consisting of a man-made dike, which separates the delicate Cowles Bog and Great March environment of the existing lakeshore from a large, heavily industrialized complex, including the Northern Indiana Public Service Company's Bailly Generating Station. The dike also provides some of the only access to this predominantly marshy area.

This area has been previously proposed for inclusion in the lakeshore and was the subject of a special study mandated by Congress in 1977. While the NPS study did not make specific recommendations, the language of S. 2882, which calls for a Memorandum of Understanding (MOU) between the NPS and NIPSCO rather than outright purchase, is similar to one of the alternatives examined in that special study. NPS believes that unit II–A should be included within the lakeshore under the terms proposed in that study. It would both enhance the protection of the valuable wetland resources of this area and improve public access to it while accomplishing these aims at no cost to the Federal Government.

4. UNIT II–L: PORTER BEACH (APPROXIMATELY 3 ACRES)

This unit is comprised of both developed and undeveloped property immediately adjacent to Lake Michigan in the town of Porter. This acquisition is intended to allow for the development of public parking and restroom facilities where none now exist. Much of this area currently is within the lakeshore boundaries but subject to reservations of use and occupancy. In addition, the topography of this area affords a unique opportunity for access for mobility impaired visitors. The National Park Service recommends the inclusion of this parcel in the lakeshore. Acquisition costs are estimated to approximate $525,000.

5. UNIT III–G: BEVERLY SHORES WETLANDS (APPROXIMATELY 80 ACRES)

This unit is located along the southern boundary of the so-called "Beverly Shores island" adjacent to the national

lakeshore on the north side of Beverly Drive. The unit consists primarily of wetlands which are part of a larger system of wetlands, much of which is already under NPS jurisdiction. One residential improvement, constructed on fill, is included in this area.

Acquisition costs associated with this unit are unknown at this time.

6. UNIT I–L: OGDEN DUNES (APPROXIMATELY 13 ACRES)

This unit, sometimes referred to as the old University of Chicago property, lies on the south side of U.S. Highway 12 opposite the entrance to Ogden Dunes. This parcel constitutes a critical link in the trail route now being planned in accordance with the Congressionally mandated Little Calumet River Corridor Plan, to facilitate the connection of the East and West units of the national lakeshore. Additionally, this parcel is intended to enhance the access to the existing Inland Marsh parking area. Acquisition costs are estimated to approximate $384,000.

7. UNIT II–M: CAMPGROUND ADDITION (APPROXIMATELY 68 ACRES)

This unit consists primarily of undeveloped land adjacent to U.S. Highway 12. The lands on the south side of the highway are contiguous with the land to be devoted to the lakeshore's first campround. NPS believes that while these are important resources that will enhance recreational opportunities in this highly industrialized area, the boundaries of this unit need to be rethought not only in terms of camping facilities but also the proposed scenic highway corridor along U.S. Highway 12.

Acquisition costs associated with this unit are estimated at $254,000. This does not include any residential properties.

8. UNIT VI–B: GAYLORD BUTTERFLY ADDITION (APPROXIMATELY 175 ACRES)

This unit, located in Griffith, Indiana, is adjacent to the detached Hoosier Prairie unit of the national lakeshore. It contains a high quality mixture of black oak savanna and prairie plant communities that support a large diversity of butterflies, including several species that are very rare in Indiana.

Acquisition costs associated with this unit are estimated at $630,000.

9. UNIT VII–D: CALUMET PRAIRIE (APPROXIMATELY 270 ACRES)

This unit, owned and currently administered by the Indiana Divison of State Nature Preserves, contains a high quality wet prairie with several rare plants. The unit also provides access to the Little Calumet River through developed farmland south of the nature preserve and consequently has high potential for recreational trail or other

development. Its addition to the national lakeshore would be at no cost to the Federal Government except for the single improvement (farm), which approximates $282,000.

10. UNIT I–M: STATE ROAD 49/STATE PARK ENTRANCE (APPROXIMATELY 33 ACRES)

This unit, which lies along the north side of U.S. Highway 20 and is bisected by State Route 49, is both a prinicipal entrance to the national lakeshore and the only entrance to the Indiana Dunes State Park. Its acquisition is intended to protect the visual quality of this major access point. It currently consists of sparse residential development, however, commercial use of the property is a current threat.

Acquisition costs for this unit are estimated at $330,000. Included in this estimate are 3 residential improvements.

11. UNIT I–K: GARY LANDS (APPROXIMATELY 45 ACRES)

This elongated unit on the north side of U.S. Highway 20 contains a highly degraded dune and some commercial development. While the natural resource value of the unit is admittedly low, the area has potential for off-site parking for the West Beach unit where parking is severely limited. It is in part contiguous with the existing lakeshore. Current acquisition costs are estimated to approximate $345,000.

12. UNIT IX–A: HOBART PRAIRIE GROVE (APPROXIMATELY 280 ACRES)

This is a high quality natural area adjacent to Lake George along Deep River. It is, in part, composed of a black soil, tallgrass savanna; an open oak hickory woodland with many prairie plants. This habitat is nearly extinct today, and the unit contains many rare plant species. It also includes extensive wetlands.

No cost estimate is available for this unit at this time.

Changes in Existing Law

In compliance with paragraph 12 of rule XXVI of the Standing Rules of the Senate, changes in existing law made by the Act H.R. 3209, as ordered reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

Act of November 5, 1966

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in order to preserve for the educational, inspirational, and recreational use of the public certain portions of the Indiana dunes and other areas of scenic, scientific, and historic interest and recreational value in the State of Indiana, the Secretary of the Interior is authorized to es-

tablish and administer the Indiana Dunes National Lakeshore (hereinafter referred to as the "lakeshore") in accordance with the provisions of sections 460u to 460u-3 and 460u-5 to 460u-19 of this title. The lakeshore shall comprise the area within the boundaries delineated on a map identified as "Boundary Map, Indiana Dunes National Lakeshore", dated [October 1986, and numbered 626-80,033-B,] *October 1990 and numbered 626-80,038-C,* which map is on file and available for public inspection in the office of the Director of the National Park Service, Department of the Interior.

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SEC. 4. As used in sections 460u to 460u-3 and 460u-5 to 460u-24 of this title, the term "improved property" means a detached, one-family dwelling which meets each of the following criteria:

(1) The construction of the dwelling began before the date (shown in the table contained in this section) corresponding to the appropriate map.

(2) The property is located within the boundaries delineated on the map described in such table which corresponds to such date.

(3) The property is not located within the boundaries of any other map referred to in such table which bears an earlier date.

The term "appropriate map", means a map identified as "Boundary Map—Indiana Dunes National Lakeshore" (or "A Proposed Indiana Dunes National Lakeshore" in the case of a dwelling the construction of which was begun before January 4, 1965) which is dated and numbered as provided in the following table.

[Property Within Boundaries of Map:	Construction Began Before
Dated October 1986, No. 626-80,033-B	February 1, 1986
Dated December 1980, No. 626-91014	January 1, 1981
Dated September 1976, No. 626-91007	February 1, 1973
Dated September 1966, No. LNPNE-1008-ID	January 4, 1965]

Property Within Boundaries of Map:	*Construction Began Before*
Dated October 1990, No. 626-80,038-C	*October 1, 1990*
Dated October 1986, No. 626-80,033-B	*February 1, 1986*
Dated December 1980, No. 626-91014	*January 1, 1981*
Dated September 1976, No. 626-91007	*February 1, 1973*
Dated September 1966, No. LNPNE-1008-ID	*January 4, 1965*

* * * * * * *

SEC. 5. (a) Election; conveyance or lease of right; adjustment of compensation; retained rights

(1) Except for owners described in paragraph (2) and of improved property within the area on the map referred to in section 460u-3 of this title dated December 1980, and numbered 626-91014 as area HH-B, any owners or owners of record of improved property may retain a right of use and occupancy of said improved property for noncommercial residential purposes for a term (A) ending on his or her death or the death of his or her spouse, which occurs last, or (B) for a fixed term not to extent beyond September 30, 2010, or such lesser term as the owner or owners may elect at the time of acquisition by the Secretary. In the case of improved property within the boundaries of the map dated December 1980 and num-

bered 626-91014 the retention of a retained right under clause numbered (A) shall only be available to homeowners of record as of October 1, 1980, who have attained the age of majority as of that date and make a bona fide written offer not later than October 1, 1985, to sell to the Secretary. Where any such owner retains a right of use and occupancy as herein provided, such right during its existence may be conveyed or leased for noncommerical residential purposes. The Secretary shall pay to the owner the fair market value of the property on the date of such acquisition, less the fair market value on such date of the right retained by the owner.

(2)(A) In the case of property included within the boundaries of the lakeshore after 1980, any owner or owners of record of improved property may retain a right of use and occupancy for noncommercial residential purposes for a term ending at either of the following:

(i) A fixed term not to extend beyond September 30, 2010, or such lesser fixed term as the owner or owners may elect at the time of acquisition.

(ii) A term ending at the death of any owner or of a spouse of any owner, whichever occurs last.

The owner shall elect the term to be reserved.

(B) The retention of rights under [subparagraph (A)] *subparagraph (A)(ii)* shall be available only to individuals who are homeowners of record as of July 1, 1986, who have attained the age of majority as of that date and who make a bona fide written offer not later than July 1, 1991, to sell to the Secretary.

"(3)(A) In the case of improved property included within the boundaries of the lakeshore after October 1, 1990, that was not included within the boundaries before that date, an individual who is an owner of record of such property as of that date may retain a right of use and occupancy of such improved property for noncommerical residential purposes for a term ending at either of the following:

(i) A fixed term not to extend beyond September 30, 2010, or such less fixed term as the owner may elect at the time of acquisition.

(ii) A term ending at the death of the owner or the owner's spouse, whichever occurs last. The owner or owners shall elect the term to be reserved.

(B) Subparagraph (A)(ii) shall apply only to improved property owned by an individual who—

(i) was an owner of record of the property as of October 1, 1990;

(ii) had attained the age of majority as of that date; and

(iii) made a bona fide written offer not later than October 1, 1997, to sell the property to the Secretary.

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SEC. 9. The Secretary may not expend more than $60,812,100 from the Land and Water Conservation Fund for the acquisition of lands and interests in lands nor more than $20,000,000 for development: *Provided,* That not more than $500,000 of said amount may be appropriated for the development of the Paul H. Douglas Environmental Education Center authorized pursuant to section 460u-20 of this title. By October 1, 1979, the Secretary shall develop and

transmit to the Committees on Interior and Insular Affairs of the United States Congress a general management plan detailing the development of the national lakeshore consistent with the preservation objectives of sections 460u to 460u–3 and 460u–5 to 460u–19 of this title, indicating:

(1) the facilities needed to accommodate the health, safety, and recreation needs of the visiting public;

(2) the location and estimated costs of all facilities, together with a review of the consistency of the master plan with State, areawide, and local governmental development plans;

(3) the projected need for any additional facilities within the national lakeshore; and

(4) specific opportunities for citizen participation in the planning and development of proposed facilities and in the implementation of the general management plan generally.

In addition to any sums heretofore authorized for the acquisition of lands and interests in lands pursuant to the provisions of sections 460u to 460u–3 and 460u–5 to 460u–23 of this title, there are further authorized to be appropriated an additional $3,120,000.

In addition to any other sums authorized for the acquisition of lands and interests in sections 460u to 460u–3 and 460u–5 to 460u–24 of this title there are authorized to be appropriated an additional $3,500,000 to be used for such purposes. The Secretary shall conduct a feasibility study of establishing United States Highway 12 as the "Indiana Dunes Parkway" under the jurisdiction of the National Park Service. The Secretary shall submit the results of such study to the Committee on Interior and Insular Affairs of the United States House of Representatives and the Committee on Energy and Natural Resources of the United States Senate within two years after October 29, 1986. Effective October 1, 1986, there is authorized to be appropriated such sums as may be necessary for the purposes of conducting the feasibility study.

In addition to any other sums authorized for the acquisition of lands and interests in lands, there are further authorized to be appropriated an additional $7,000,000 to be used for such purposes.

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[SEC. 12. The Secretary shall acquire the area on the map referred to in section 460u, of this title as area III–B within two years from the effective date of this section only if such area can be acquired for not more than $800,000, exclusive of administrative costs of acquisition, as adjusted by the Consumer Price Index: *Provided,* That the Secretary may not acquire such area by any means after two years from the effective date of this section.]

SEC. 12. The Secretary shall acquire the area on the map referred to as area III–B only if such area can be acquired for not more than $5,000,000."

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SEC. 18. *(a)* By July 1, 1977, the Secretary shall prepare and transmit to the Committees on Interior and Insular Affairs of the United States Congress a study of areas III–A, III–C, and II–A, as designated on map numbered 626–91007. The Secretary shall make reasonable provision for the timely participation of the State of In-

diana, local public officials, affected property owners, and the general public in the formulation of said study, including, but not limited to, the opportunity to testify at a public hearing. The record of such hearing shall accompany said study. With respect to areas III–A and III–C, the study shall (a) address the desirability of acquisition of any or all of the area from the standpoint of resource management, protection, and public access; (b) develop alternatives for the control of beach erosion if desirable, including recommendations, if control is necessary, of assessing the costs of such control against those agencies responsible for such erosion; (c) consider and propose options to guarantee public access to and use of the beach area, including the location of necessary facilities for transportation, health, and safety; (d) detail the recreational potential of the area and all available alternatives for achieving such potential; (e) review the environmental impact upon the lakeshore resulting from the potential development and improvement of said areas; and (f) assess the cost to the United States from both the acquisition of said areas together with the potential savings from the retention of rights of use and occupancy and from the retention of the boundaries of the lakeshore, as designated on map numbered 626–91007, including the costs of additional administrative responsibilities necessary for the management of the lakeshore, including the maintenance of public services in the town of Beverly Shores, Indiana. With respect to area II–A, the Secretary shall study and report concerning the following objectives: (a) preservation of the remaining dunes, wetlands, native vegetation, and animal life within the area; (b) preservation and restoration of the watersheds of Cowles Bog and its associated wetlands; (c) appropriate public access to and use of lands within the area; (d) protection of the area and the adjacent lakeshore from degradation caused by all forms of construction, pollution, or other adverse impacts including, but not limited to, the discharge of wastes and any excessive subsurface migration of water; and (e) the economic consequences to the utility and its customers of acquisition of such area.

(b)(1) If Northern Indiana Public Service Company (hereinafter in this section referred to as 'NIPSCO') is agreeable, the Secretary shall enter into a memorandum of agreement with NIPSCO that shall provide for the following with respect to Unit II–A (as designated on the map referred to in section 1 of this Act and hereinafter in this section referred to as the 'Greenbelt'):

(A) NIPSCO shall provide the National Park Service with access for resource management and interpretation through the Greenbelt and across the dike for purposes of a public hiking trail.

(B) The National Park Service shall have rights of access for resource management and interpretation of the Greenbelt area.

(C) NIPSCO shall preserve the Greenbelt in its natural state. If NIPSCO utilizes the Greenbelt temporarily for a project involving pollution mitigation or construction on its adjacent facilities, NIPSCO shall restore the project area to its natural state.

(D) If NIPSCO proposes a different use for the Greenbelt, NIPSCO shall notify the National Park Service, the Commitee on Energy and Natural Resources of the United States Senate

and the Committee on Interior and Insular Affairs of the United States House of Representatives and make no change in the use of the property until 3 years after the date such notice is given.

(2) If a memorandum of agreement is entered into pursuant to paragraph (1), so long as such memorandum is in effect and the terms of such memorandum are being complied with, the Secretary may not acquire lands or interests in land in the Greenbelt belonging to NIPSCO.

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SEC. 25. (a) UNIT I-M.—Before acquiring lands or interests in land in Unit I-M (as designated on the map referred to in section 1 of this Act), the Secretary shall consult with the Commissioner of the Indiana Department of Transportation to determine what lands of interests in lands are required by the State of Indiana for improvements to State Road 49 and the reconstruction and relocation of the interchange with State Road 49 and U.S. 20 so that the acquisition by the Secretary of lands or interests in land in Unit I-M shall not interfere with planned improvements to the interchange and State Road 49 in the area.".

(b) The Secretary may acquire lands or interests in lands within Unit I-M only with the consent of the owner, so long as the existing residential land use remains substantially unchanged.

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